

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

HERMINIO BARRAGAN MENDOZA,
SAMANTHA MASON,

Defendants.

NO. CR08-5125BHS

FINAL ORDER OF FORFEITURE

THIS MATTER comes before the Court on motion of the United States for entry of a Final Order of Forfeiture with respect to the following property:

(a) Real property commonly known as 101 358th Street E., Roy, Washington 98580, Pierce County parcel number 0317281025, its buildings, improvements, appurtenances, fixtures, attachments and easements, owned by Herminio M. Barragan, and Samantha Rose Mason, as Joint Tenants with Right of Survivorship, more particularly described as follows:

TRACT 24, PIERCE COUNTY LARGE LOT DIVISION NO. 2408, FILED FOR RECORD NOVEMBER 20, 1978 IN VOLUME 25 OF SURVEYS, PAGE 8, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON.

(hereinafter sometimes referred to as the “property”).

On July 27, 2009, this Court entered a Preliminary Order of Forfeiture in the above-captioned case forfeiting defendant Herminio Barragan Mendoza's interest in the property.

On January 11, 2010, this Court entered a Preliminary Order of Forfeiture in the above-captioned case forfeiting defendant Samantha Mason's interest in the property.

The property is subject to forfeiture because said property constitutes, or is derived from, proceeds defendant Herminio Barragan Mendoza obtained, directly or indirectly, as a result of the violation of, or was used or intended to be used, in any manner of part, to

1 commit, or to facilitate the commission of the violation of, Conspiracy to Distribute
 2 Methamphetamine, as charged in Count 1 of the Superseding Indictment, in violation of
 3 Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846, to which
 4 defendant Herminio Barragan Mendoza has pleaded guilty. In his plea agreement, the
 5 defendant agreed to the forfeiture of the above-listed property.

6 The property is also subject to forfeiture because said property was involved in the
 7 offense of, or traceable to, the offense of Money Laundering, as charged in Count 1 of the
 8 First Superseding Indictment, in violation of Title 18, United States Code, Section
 9 1956(a)(2)(B)(i), to which defendant Samantha Mason has pleaded guilty. In her plea
 10 agreement, the defendant agreed to the forfeiture of the above-listed property.

11 Pursuant to Title 21, United States Code, Section 853(n), the United States
 12 published notice on www.forfeiture.gov, for at least thirty (30) consecutive days,
 13 beginning with July 28, 2009. In the publication, the United States published notice of
 14 the Preliminary Order of Forfeiture and the intent of the United States to dispose of the
 15 property in accordance with law. This notice further stated that any person, other than the
 16 defendant, having or claiming a legal interest in the above-described property was
 17 required to file a petition with the Court within thirty (30) days of the final publication of
 18 notice or personal receipt of notice, whichever is earlier, setting forth the nature of the
 19 petitioner's right, title, and interest in the property.

20 On August 4, 2009, the United States Attorney's Office sent notice to Larry Hayes,
 21 a person believed to have an interest in the property, via registered mail, return receipt
 22 requested at his last known address, in Olympia, Washington. On August 7, 2009, the
 23 United States Attorney's office received the notice addressed to Larry Hayes, at the
 24 aforesaid, which reflects the mail has been returned as "return to sender/not deliverable as
 25 addressed/unable to forward." See Attached Exhibit "A," return receipt.

26 All persons and entities believed to have an interest in the property subject to
 27 forfeiture were given proper notice of the intended forfeiture. No petitioners or claimants
 28 have come forth to assert an interest in any of the forfeited property and the time for

1 doing so has expired. Accordingly,

2 IT IS ORDERED, ADJUDGED and DECREED that the following property is
3 hereby fully and finally condemned and forfeited to the United States in its entirety:

4 (a) Real property commonly known as 101 358th Street E., Roy, Washington
5 98580, Pierce County parcel number 0317281025, its buildings,
6 improvements, appurtenances, fixtures, attachments and easements, owned
7 by Herminio M. Barragan, and Samantha Rose Mason, as Joint Tenants
8 with Right of Survivorship, more particularly described as follows:

9 TRACT 24, PIERCE COUNTY LARGE LOT DIVISION NO. 2408, FILED
10 FOR RECORD NOVEMBER 20, 1978 IN VOLUME 25 OF SURVEYS, PAGE
11 8, BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 28,
12 TOWNSHIP 19 NORTH, RANGE 3 EAST OF THE W.M., IN PIERCE
13 COUNTY, WASHINGTON.

14 IT IS FURTHER ORDERED, ADJUDGED and DECREED that no right, title, or
15 interest to the above-described properties shall exist in any other party.

16 The United States Marshals Service is authorized to dispose of the above-
17 described property in accordance with law.

18 The Clerk of the Court is hereby directed to send a copy of this Final Order of
19 Forfeiture to all counsel of record and send three (3) "raised seal" certified copies to the
20 United States Marshals Service in Seattle, Washington.

21 DATED this 23rd day of April 2010.

22 
23 _____
24 BENJAMIN H. SETTLE
25 United States District Judge

26 Presented by:
27

28 s/ James M. Lord for
29 DARWIN P. ROBERTS, WSBA #32539
30 Assistant United States Attorney
31 United States Attorney's Office
32 700 Stewart Street, Suite 5220
33 Seattle, Washington 98101-1271
34 Phone: 206/553-2242
35 Fax: 206/553-6934
36 E-mail: darwin.roberts@usdoj.gov